

CPCS FY 2002 Budget Request

November 20 , 2000

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CPCS FY 2002 Budget Request

11/20/00

Appropriations 0321	1500 Oper's	1502 P. defend.	1503 CAFL	1504 YAP	1505 F&YAP	1510 Priv.Crim.	1512 Non-Crim.	1520 Ct. Costs	Total
FY 2001 Appropriations	7,371,690	7,829,850	805,841	456,913		43,500,000	21,000,000	5,186,168	86,150,462
Pending Supplemental Appropriation	744,433								744,433
Boston Rent Increase - Recurring \$584,233									
Other Move Costs - Non-recurring \$160,200									
Additional FY 2001 Supplements Required:									
SOR & SDP Attorney Training Program	483,750								483,750
Defender to ADA Salary Parity (G.L. 211D § 13)	5,250	201,734	30,650	2,500		2,119,000	2,348,000	2,303,000	240,134
Fees/Ct. Costs - '00 Level-fund + '01 Growth									6,770,000
<i>Tot. '01 Appropriations (Exclude Supplementals)</i>	7,371,690	7,829,850	805,841	456,913		43,500,000	21,000,000	5,186,168	86,150,462
Maintenance - Defender/ADA Parity Pay Adj.	10,500	403,468	61,300	5,000					480,268
Maintenance 3% merit per Fiscal Affairs Guide	117,000	244,000	21,000	14,500					396,500
Rent Maintenance FY '02 Boston Office	584,233								584,233
Rent Maintenance FY '02 - 5 County Offices	68,051								68,051
Annualize FY '01 Partially Funded Positions	54,292								54,292
'02 Increment Obsolete PC replacement Program	72,000								72,000
Legal Research Library Cost Increases	12,500					2,662,000	3,834,000	2,985,000	12,500
Fees & Ct. Costs - '01 Level-fund + '02 Growth									9,481,000
<i>Subtotal '02 Including Maintenance</i>	8,290,266	8,477,318	888,141	476,413		46,162,000	24,834,000	8,171,168	97,299,306
Families and Youth Advocacy Project					1,263,650				1,263,650
Automation of Legal & Ct. Cost Payment System	165,000								165,000
<i>Subtotal Before Private Atty. Hourly Rate Incr.</i>	8,455,266	8,477,318	888,141	476,413	1,263,650	46,162,000	24,834,000	8,171,168	98,727,956
Private Attorney Hourly Rate Increase						7,185,000	3,186,000		10,371,000
<i>Total</i>	8,455,266	8,477,318	888,141	476,413	1,263,650	53,347,000	28,020,000	8,171,168	109,098,956

(1)

Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1500 Operations

This budget line supports all CPCS Operations. It funds salaries and office support for critical training, certification, assignment, quality control, and support services for 125 public defenders and 2,800 assigned counsel in more than 250,000 cases annually. Furthermore, this budget line provides funding for all CPCS bill processing, auditing, and information technology.

These support functions must be maintained and enhanced to handle the workload increases caused by the continuing growth in private counsel cases and indigent court costs. Funding of this line enables CPCS to implement and control cost reduction initiatives necessary to manage the \$78 million (FY 2001 projection) of attorney fees and court costs on some 300,000 bills. The 2002 plan, as presented here, continues CPCS's efforts to bring rational and fiscally responsible management to our responsibilities.

The 2002 budget request is \$8,455,266. Maintenance and expansion is as follows:

Maintenance

Rent increase for the Boston office (funded in FY 2001 via a supplemental)	\$584,233
FY 2002 rent increases in Brockton, New Bedford, Roxbury, Salem, and Dedham.	\$ 68,051
Annualization of 3 new positions authorized in the 2001 budget language, but funded for only part of the year	\$ 54,292
Funding for replacement program for PC's in their fifth year - Boston, Pittsfield, Cambridge	\$ 72,000
Legal library costs are increasing because of price increases for computer legal research subscriptions (\$7,500), and price increases for standard book subscriptions (\$5,000).	\$ 12,500

Defender pay increase maintenance (assuming increase is obtained via supplemental in FY '01). Defender attorneys are to be kept at pay parity with Assistant District Attorneys per requirement of G.L. Chapt. 211D § 13.

\$ 10,500

Merit pay increase averaging 3% per guidelines from the Fiscal Affairs 2002 maintenance budget instructions

\$117,000

1500 Maintenance total

\$918,576

Expansion

Administering the private attorney legal fees and the court cost vendor funds makes CPCS one of the highest volume bill payment functions in the Commonwealth, disbursing \$79 million to 5000 vendors on 300,000 bills. Funding is hereby requested to fully automate this function which, once implemented will yield a high payback in each subsequent year as follows:

- 1500 Appropriation - \$40K keypunch savings
- 1510, 12, 20 appropriations – minimum of \$200K annually as a result of implementing targeted controls identified using the new system's greatly increased data collection
- 6900 General Fund - minimum of \$50K annually by using additional data to better target audits to recoup overbillings

The new system will be internet based, with high security, and will provide a 10 fold increase in billing detail. This added information will result in the above savings, but will also provide more timely and accurate budget forecasting.

\$165,000

1500 Expansion Total

\$165,000

Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1502 Public Defender

The FY 2002 budget request for the Public Defender division, consisting entirely of payroll (support costs including the salaries of the secretarial staff are in the operations line 1500), is \$8,477,318. The following are the areas of proposed expansion and maintenance:

Maintenance

Defender pay increase maintenance (assuming increase is obtained via supplemental in FY '01).

Defender attorneys are to be kept at pay parity with Assistant District Attorneys per requirement of G.L. Chapt. 211D § 13.

\$403,468

Merit pay increase averaging 3% per guidelines from the Fiscal Affairs 2002 maintenance budget instructions

\$244,000

**Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1503
Children & Family Law Regional Offices**

The FY 2002 budget request for the Children and Family Law staffed offices within CPCS responsibilities is \$888,141. The FY 2002 maintenance is as follows:

Maintenance

Defender pay increase maintenance (assuming increase is obtained via supplemental in FY '01).
Defender attorneys are to be kept at pay parity with Assistant District Attorneys per requirement of G.L. Chapt. 211D § 13.

\$ 61,300

Merit pay increase averaging 3% per guidelines from the Fiscal Affairs 2002 maintenance budget instructions

\$ 21,000

**Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1504 Youth Advocacy**

The proposed FY 2002 budget for the CPCS Youth Advocacy Program (YAP), line 1504, is \$476,413. YAP brings a nationally recognized, innovative, multi-disciplinary approach to the legal representation of children. In a very real sense, YAP works to prevent future criminal acts through early and positive intervention. Assuring the continued progress of YAP within CPCS is a high committee priority.

Maintenance

Defender pay increase maintenance (assuming increase is assuming increase is obtained via supplemental in FY '01). Defender attorneys are to be kept at pay parity with Assistant District Attorneys per requirement of G.L. Chapt. 211D § 13.

\$ 5,000

Merit pay increase averaging 3% per guidelines from the Fiscal Affairs 2002 maintenance budget instructions.

\$ 14,500

**Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1505
Family and Youth Advocacy Project**

This is a proposed new line 0321-1505 providing a FY 2002 budget to provide a new and comprehensive model of legal services to families and youth in cases involving care and protection, termination of parental rights, CHINS, juvenile delinquency, and Youthful Offender charges. The new model will include not only legal representation, but also client intervention and support that will prevent young clients from coming into the criminal justice system as adult criminal defendants or as adults who are not able to parent.

The new model will be implemented in three counties across the Commonwealth, supplementing the provision of legal services to similar clients by hundreds of private attorneys statewide. By using improved coordination of legal and community-based services, this program is intended to reduce the cycle of chronic court involvement for individual youths and families.

The budget assumes an October 1st start, totals \$1,263,650, and in summary, is as follows

Middlesex Eleven employees, \$507,325

Bristol Eleven employees, \$507,325

Hampden Six employees, \$249,000

**Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1510
Private Counsel Criminal Case Fees**

The baseline projection for private attorney compensation in criminal cases (before needed hourly rate increases) is \$46,162,000. This estimate assumes the same growth rate in FY 2001 & 2002 as that experienced for FY 2000. Increasing hourly rates by \$10/hour for murder cases and by \$5/hour for all other cases would add \$7.2 million to this budget request, for a total appropriation of \$53,347,000.

CPCS has continued to implement cost containment procedures in the management of privately assigned cases, and is continuously planning new initiatives. For example, continuing in 2002 will be waiting time controls and daily total hours controls which will reduce costs by a minimum \$1.1 million in FY 2001 from a base without those controls.

Through its participation on the Emergency Task Force on Indigency Verification, CPCS was able to work successfully with the Judiciary to monitor the indigency determination process. As a result, the number of new District Court criminal assignments dropped by over 18,000 from FY98 to FY00.

This reduction in new case assignments has, however, been offset by very substantial increases in probation revocation cases, and in Superior Court bail review petitions. These developments reflect tougher judicial positions with regard to bail and probation, which have added significantly to CPCS expenditures.

Notwithstanding these increases, overall criminal case costs have remained quite stable in recent years. Last year, a very modest and justified three-dollar hourly rate increase for assigned counsel in CPCS cases (ten dollars in murder cases only) came close to enactment. It deserves to be included in the Commonwealth's fiscal year 2002 budget.

Overview Of The Construction Of The FY 2002 Budget Request

	(\$ Thousands)
FY 2001 Appropriation	\$43,500
Needed To Bring to Level Of FY '00 Actual Expenditure	\$ 1,582
Add FY 2001 & FY 2002 Growth at 2000 rate	<u>\$ 1,080</u>
Total Before Expansion	\$46,162
Add Attorney Rate Increase of \$10 Murder cases & \$3 other	<u>\$ 7,185</u>
FY 2002 1510 Budget Request	\$53,347

**Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1512
Private Counsel Non-Criminal Case Fees**

The baseline projection for private attorney compensation for children and family law and mental health cases (before needed hourly rate increases) is \$24,834,000. This estimate assumes the same growth rate in FY 2001 & 2002 as experienced in FY 2000. Increasing hourly rates by \$5/hour to \$44/hour (years 1 & 2 of the three year plan) would add \$3.2 million, bringing the total request for FY 2002 to \$28,020,000.

CPCS has continued to implement cost containment changes, and is planning others. For example, continuing for the sixth FY, waiting time controls and daily total hours controls will reduce cost by \$800 thousand.

Legislation in 1992, amended in 1999, providing expanded court authority to permanently terminate parental rights has continued to increase the complexity and, therefore, the cost of "care and protection" cases. Another cost factor is the routine appointment of counsel by the courts to help with docket efficiency.

The Sex Offender Registry will require CPCS representation at registry hearings. Legislation approved in July 2000 will result in an increase in counsel appointments in mental health civil commitment cases. Also, the Committee anticipates an increase in SDP commitment cases due to recent case law which clarified the procedures for these lifetime civil commitment cases.

Overview Of The Construction Of The FY 2002 Budget Request

	(\$ Thousands)
FY 2001 Actual Appropriation	\$21,000
Needed To bring to level of FY 2000 Actual Expenditure	\$ 1,391
Add FY 2001 & 2002 Growth at 2000 rate	\$ 1,955
Add 2002 Plan For Sex Offender Registry & SDP Representation	\$ 488
 Total Before Expansion	 \$24,834
 Proposed FY 2002 Attorney Hourly Rate Increase	 \$ 3,186
 FY 2002 1512 Budget Request	 \$28,020

**Committee For Public Counsel Services
FY 2002 Budget Proposal 0321-1520
Indigent Court Costs**

The FY 2002 CPCS Indigent Court Cost budget request is \$8,171,168, based on growth experienced over recent fiscal years, and the addition of sex offender registry representation. Although CPCS responsibility is essentially restricted to paying for court-ordered costs and fees in this budget line, CPCS has taken concrete steps to control growth through various initiatives. For example, audits are being conducted, billing rate ranges for a variety of expert categories have been defined, and each attorney who receives a court order which authorizes the provision of a service at public expense is now required to certify actual receipt of the service.

The \$8.2 million FY 2002 request breaks down approximately into the following areas of expenditure:

(Thousands \$)

Investigation	\$2,600	S.O. Registry	\$ 500
Transcription	\$1,500	Expert Witness	\$ 900
Psychological Exam	\$1,800	Summons Delivery	\$ 600
		All Other	\$ 300

Overview Of the Construction Of The FY 2002 Budget Request

	(\$ Thousands)
FY 2001 Actual Appropriation	\$5,186
Needed To Bring to actual Level Of FY'00 (Incl. Supplement)	\$ 1,617
Add 2001 & 2002 growth at 2000 rate	\$ 868
Add 2002 Plan For Sex Offender Registry & SDP Ct. Costs	<u>\$ 500</u>
FY 2002 Budget Request	\$ 8,171